		TRANSMITTAL LETTER Case No. 3086/1435 (NP 4070)										
	Ì	Serial No			Date		miner Group Art Unit					
		10/700,: Inventor		Nove	ember 3, 2003	Not y	vet assigned	ii	1023			
	-	Haeri Ro Title of I	h-Schmidt et al. nvention									
	JC53 J	METHOD OF REDUCING CHOLESTEROL										
O 1 P	2004	NAME A	TO THE COMMISSIONER FOR PATENTS									
	Transmitted herewith is a First Supplemental Information Disclosure Statement (in duplicate); Form PTO-1449; 6 Cited References (B9-B13); Return Postcard.											
PATEN		Coull action seems of this application upday 37 CER § 1.27 has been established by verified Sta								statement pr	eviously	EIVED 2004
			Applicant claims small entity status. See 37 CFR1.27.							-0[	IVED	
		Petition for amonth extension of time.								A	$^{PR}$ 1 $_{5}$	2004
			No additional fe	e is require	d.		AP	R 082	2004	-OIT CE	NTFR 1	2004
			The fee has bee	n calculate	d as shown below	v:	0{ (	Corre	ction	]	PR 1 5 2004 WTER 1600/2900	
							Small Entity			Other Small (	man	_
	:		Claims Remaining After		Highest No. Previously Paid For	Present Extra	Rate	Add'l Fee	or	Rate	Add'l Fee	
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		First Presentation of Multiple Dep. Claim					+ \$145 =			+ \$290=		
							Total add'l fee	\$		Total add'I fee	\$	
		Please charge Deposit Account No. 23-1925 (BRINKS HOFER GILSON & LIONE) in the amount of \$ duplicate copy of this sheet is enclosed.									. А	
		A check in the amount of \$ to cover the filling fee is enclosed.										
		The Commissioner is hereby authorized to charge payment of any additional filing fees required under 37 CFR § 1.16 and any patent application processing fees under 37 CFR § 1.17 associated with this communication or credit any overpayment to Deposit Account No. 23-1925. A duplicate copy of this sheet is enclosed.  I hereby petition under 37 CFR § 1.136(a) for any extension of time required to ensure that this paper is timely filed. Please charge any associated fees which have not otherwise been paid to Deposit Account No. 23-1925. A duplicate copy of this sheet is enclosed.										
		Respectfully submitted,										
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	TRANSMITTAL LETTER							Case No. 3086/1435 (NP 4070)			
	Serial No	No. Filing Date Examiner				Group Art Unit					
	10/700,: Inventor						1623				
	Haeri Roh-Schmidt et al.  Title of Invention										
J 053	METHOD OF REDUCING CHOLESTEROL										
5 2004	No No State of					R FOR PATENTS					
, ~ ~	Transmitted herewith is <u>a First Supplemental Information Disclosure Statement 6 Cited References (B9-B13); Return Postcard.</u>								te); Form PT	<u>0-1449;</u>	
1 4	Small entity status of this application under 37 CFR § 1.27 has been estal submitted.					stablished b					
		Applicant claim	s small entit	y status. See 3	7 CFR1.27.			RECEIVED			
		Petition for a _	etition for amonth extension of time.					APR	<b>1 5</b> 2004		
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		Claims Remaining After Amendment		Highest No. Previously Paid For	Present Extra	Rate	Add'l Fee	or	Rate	Add'l Fee	
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						T aḍd'I	otal \$ fee		Total add'l fee	\$	
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	A check in the amount of \$ to cover the filing fee is enclosed.										
	$\boxtimes$	The Commissioner is hereby authorized to charge payment of any additional filing fees required under 37 CFR 1.16 and any patent application processing fees under 37 CFR § 1.17 associated with this communication or cred any overpayment to Deposit Account No. 23-1925. A duplicate copy of this sheet is enclosed.  I hereby petition under 37 CFR § 1.136(a) for any extension of time required to ensure that this paper is timely filed. Please charge any associated fees which have not otherwise been paid to Deposit Account No. 23-1925. Aduplicate copy of this sheet is enclosed.									
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					G. Peter Registra Attorney	the	Thus	Gilson I	ione		
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	I hereby o	ertify that this corresp		g deposited with the L nvelope andressed to aydria, VA 22313 (at							
	Date: Ap	<u>ril 2, 2004</u> Signati	ure: U/	W/W	to						

**CERTIFICATE OF MAILING** 

I hereby certify that this correspondence is being deposited when with the United States Postal Service as first class mail in an envelope, with sufficient postage, addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on

April 2, 2004 Date of Deposit G. Peter Nichols, Reg. No. 34,401 Name of Applicant, Assignee or Registered Representative **%**ignature April 2, 2004 Date of Signature

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APR 1 5 2004

**TECH CENTER 1600/2900** 

Our Case No.: 3086/1435 (NP 4070)

# IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Haeri Roh-Schmidt et al.

Serial No.: 10/700,222

Filing Date: November 3, 2003

For:

METHOD OF REDUCING

CHOLESTEROL

Examiner: Not yet assigned

Group Art Unit No.: 1623

## FIRST SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents Alexandria, VA 22313-1450

Dear Sir:

In compliance with the duty of disclosure under 37 C.F.R. § 1.56, it is respectfully requested that this First Supplemental Information Disclosure Statement be entered and the documents listed below and on the attached Form PTO-1449 be considered by the Examiner and made of record. Copies of the relevant listed documents required by 37 C.F.R. § 1.98(a)(2) are enclosed for the convenience of the Examiner. Pursuant to the

waiver of the rules change effective June 30, 2003, Information Disclosure Statements may be filed without copies of U.S. patents and U.S. published applications for applications filed after June 30, 2003, (see 37 CFR 1.98 (a) (2) (i)). Copies of U.S. patent documents are not required and therefore are not being submitted herewith inasmuch as the captioned application was filed in the USPTO after June 30, 2003.

Pursuant to the undersigned attorney's obligation and duties under 37 C.F.R. §§ 1.56 and 1.98(a)(3) and (c), an English language abstract for Japanese Patent No. 10-36260 A2, which is not in English, is included for the express purpose of providing a concise explanation of the references to the Patent and Trademark Office with the opportunity to evaluate the same.

The references now cited are the following:

U.S. Patent Documents

DOCUMENT NUMBER Number-Kind Code (if known)	DATE	PATENTEE
4,315,036	02/1982	Husaini et al.
5,198,259	03/1993	Hoogstad
5,532,012	07/1996	Balentine et al.
5,804,567	09/1998	Cheng et al.
6,096,359	08/2000	Bombardelli et al.
6,214,868 B1	04/2001	Ahn et al.
6,261,565 B1	07/2001	Empie et al.
6,391,308 B1	05/2002	Empie et al.

## Foreign Patent Documents

DOCUMENT NUMBER Number-Kind Code (if known)	DATE	COUNTRY
EP 0 891 973 B1	10/2001	Europe
WO 01/93886 A1	12/2001	WIPO
WO 03/045328 A2	06/2003	WIPO

#### Other Art Documents

### OTHER ART - NON PATENT LITERATURE DOCUMENTS

(Include name of author, title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date page(s), volume-issue number(s), publisher, city and/or country where published.

Entrez – PubMed Abstract of: Muramatsu et al, "Effect of green tea catechins on plasma cholesterol level in cholesterol-fed rats", *J. Nutr Sci Vitaminol* (Tokyo), December 1986, 32(6), pp. 613-22, obtained at the internet address

<a href="http://www.ncbi.nlm.nih.gov/entrez/query.fcgi?cmd=Retrieve&db=PubMed&list\_uids=3585557&do...">, October 1, 2002.</a>

Ikeda et al., "Tea catechins decrease micellar solubility and intestinal absorption of cholesterol in rats", *Biochemica et Biophysica Acta*, 1127 (1992) pp. 141-146.

In accordance with 37 C.F.R. § 1.97(g),(h), this First Supplemental Information Disclosure Statement is not to be construed as a representation that a search has been made and is not to be construed to be an admission that the information cited is, or is considered to be, material to patentability as defined in 37 C.F.R. § 1.56(b).

This First Supplemental Information Disclosure Statement is being filed prior to the receipt of the first Official Action reflecting an examination on the merits and hence is believed to be timely filed in accordance with 37 C.F.R. § 1.97(b). No fees are believed to be due in connection with filing of this First Supplemental Information Disclosure Statement, however, should any fees under 37 C.F.R. §§ 1.16 to 1.21 be deemed necessary for any reason relating to these material, the Commissioner is hereby authorized to deduct said fees from Brinks Hofer Gilson & Lione Deposit Account No. 23-1925. A duplicate copy of this document is enclosed.

Applicant(s) respectfully request that the listed documents be made of record in the present case.

Respectfully submitted

G. Peter Nichols

Registration No. 34,401 Attorney for Applicant(s)

BRINKS HOFER GILSON & LIONE P.O. Box 10395 Chicago, IL 60610 (312) 321-4200



FORM PTO-1449	SERIAL NO.	CASE NO.
Tain "	10/700,222	3086/1435
LIST OF PATENTS AND PUBLICATIONS FOR	FILING DATE	GROUP ART UNIT
APPLICANT'S INFORMATION DISCLOSURE	November 3, 2003	1623
STATEMENT		
(use several sheets if necessary)	APPLICANT(S): Haeri Roh-Schi	midt et al.

REFERENCE DESIGNATION	

### **U.S. PATENT DOCUMENTS**

KELEKENCE	DEGIC		PAILNIDO	OCINEIVI O		
EXAMINER INITIAL	1	DOCUMENT NUMBER Number-Kind Code (if known)	DATE	NAME	CLASS/ SUBCLASS	FILING DATE
	B1	4,315,036	02/1982	Husaini et al.		
	B2	5,198,259	03/1993	Hoogstad		
	B3	5,532,012	07/1996	Balentine et al.		
	B4	5,804,567	09/1998	Cheng et al.	R	Cris
	B5	6,096,359	08/2000	Bombardelli et al.		CIVEI
	B6	6,214,868 B1	04/2001	Ahn et al.	APA	
	B7	6,261,565 B1	07/2001	Empie et al.	7	15 2004
	B8	6,391,308 B1	05/2002	Empie et al.	TECH CENT	~ <004
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						92300

## **FOREIGN PATENT DOCUMENTS**

EXAMINER INITIAL		DOCUMENT NUMBER Number-Kind Code (if known)	DATE	COUNTRY	CLASS/ SUBCLASS	TRANSLATION YES OR NO
	B9	EP 0 891 973 B1	10/2001	Europe		
	B10	WO 01/93886 A1	12/2001	WIPO		
	B11	WO 03/045328 A2	06/2003	WIPO		

EXAMINER INITIAL	(lı syn	OTHER ART – NON PATENT LITERATURE DOCUMENTS nclude name of author, title of the article (when appropriate), title of the item (book, magazine, journal, serial, aposium, catalog, etc.), date page(s), volume-issue number(s), publisher, city and/or country where published.
	B12	Entrez – PubMed Abstract of: Muramatsu et al, "Effect of green tea catechins on plasma cholesterol level in cholesterol-fed rats", <i>J. Nutr Sci Vitaminol</i> (Tokyo), December 1986, 32(6), pp. 613-22, obtained at the internet address <a href="http://www.ncbi.nlm.nih.gov/entrez/query.fcgi?cmd=Retrieve&amp;db=PubMed&amp;list_uids=3585557">http://www.ncbi.nlm.nih.gov/entrez/query.fcgi?cmd=Retrieve&amp;db=PubMed&amp;list_uids=3585557</a> &do>, October 1, 2002.
	B13	Ikeda et al., "Tea catechins decrease micellar solubility and intestinal absorption of cholesterol in rats", <i>Biochemica et Biophysica Acta</i> , 1127 (1992) pp. 141-146.

EXAMINER	DATE CONSIDERED
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.